

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

HOUSTON DALE NUTT, JR.

PLAINTIFF

V.

CIVIL ACTION NO. 3:17-CV-00130-NBB-RP

OLE MISS ATHLETICS FOUNDATION,
THE UNIVERSITY OF MISSISSIPPI, and
THE BOARD OF TRUSTEES FOR
INSTITUTIONS OF HIGHER LEARNING

DEFENDANTS

ORDER

This cause comes before the court upon the defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction. Defendants argue that jurisdiction is lacking because both the University of Mississippi and the Board of Trustees for Institutions of Higher Learning are arms of the state of Mississippi and, consequently, are not "citizens" of any state for purposes of diversity jurisdiction. *See Hood v. AstraZeneca Pharmaceuticals, LP*, 744 F. Supp. 2d 590 (N.D. Miss. 2010); *Tradigrain, Inc. v. Mississippi State Port Authority*, 701 F.2d 1131 (5th Cir. 1983).

In response to the instant motion, the plaintiff concedes that the defendants' argument is meritorious and asserts "it is agreed that this court lacks subject matter jurisdiction." The court points out that the claims filed by the plaintiff involve no federal statutes or U.S. Constitution claims and are all state law claims, and therefore, since the issues are not between "citizens of different states," the federal court lacks jurisdiction under the pleadings as presented.

It is, therefore, **ORDERED AND ADJUDGED** that the motion to dismiss is **GRANTED**, and this case is dismissed without prejudice.

This, the 9th day of August, 2017.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE